

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

State of Minnesota,

Civil No. 14-4917 (DWF/JJK)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Berry Willis,

Defendant.

This matter is before the Court upon Defendant Berry Willis's ("Defendant") objections (Doc. No. 19) to Magistrate Judge Jeffrey J. Keyes's December 15, 2014 Report and Recommendation ("R&R") (Doc. No. 14) insofar as it recommends that: (1) Defendant's application to proceed *in forma pauperis* be denied; (2) Defendant's application to proceed *in forma pauperis* on appeal be denied without prejudice as premature; (3) Defendant's notice of removal be vacated; (4) this action be remanded to Minnesota District Court, Fourth Judicial District; and (5) Defendant be restricted from removing any state proceedings to federal court unless he is represented by counsel or receives prior written authorization from a judicial officer in this District Court.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Defendant's objections.

Defendant appears to object to the R&R on a number of grounds. Specifically, Defendant appears to make claims relating to the existence of a conspiracy against him in violation of the Racketeer Influenced and Corrupt Organizations Act (“RICO”). Defendant further appears to make claims relating to fraud, corruption, false imprisonment, and certain constitutional violations. Finally, in his conclusion, Defendant appears to reiterate his desire for removal. However, none of these objections relate to the issue of removal in this case, which was fully and properly addressed by the Magistrate Judge in the R&R. Having reviewed Defendant’s objections and the record and pleadings, the undersigned agrees with the Magistrate Judge’s determination that removal is not appropriate in this case. The Court therefore adopts the R&R in its entirety and the case is dismissed.

In sum, based upon the *de novo* review of the record and all of the arguments and submissions of the parties, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Defendant Berry Willis’s objections (Doc. No. [19]) to Magistrate Judge Jeffrey J. Keyes’s December 15, 2014 Report and Recommendation are **OVERRULED**.
2. Magistrate Judge Jeffrey J. Keyes’s December 15, 2014 Report and Recommendation (Doc. No. [14]) is **ADOPTED**.
3. Defendant Berry A. Willis’s application to proceed *in forma pauperis* (Doc. No. [2]) is **DENIED**.

4. Willis's application to proceed *in forma pauperis* on appeal (Doc. No. [10]) is **DENIED WITHOUT PREJUDICE** as premature.

5. Willis's notice of removal (Doc. No. [1]) is **VACATED**.

6. This action is **REMANDED** to Minnesota District Court, Fourth Judicial District.

7. Willis is restricted from removing any state proceedings to federal court unless he is represented by counsel or receives prior written authorization from a judicial officer in this District Court.

8. Willis's Motion to Remove Judicial Officer, Jeffrey J. Keyes, Due to Fraud upon the District Courts (Doc. No. [17]) is **DENIED AS MOOT**.¹

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 11, 2015

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge

¹ The Court has carefully reviewed Willis's Motion to Remove Judicial Officer, Jeffrey J. Keyes, Due to Fraud upon the District Courts and supporting Affidavit (*see* Doc. Nos. 17 & 18). However, in light of the Court's order dismissing the case, the question of removing Magistrate Judge Keyes from the case is moot.